

Remarks

Reconsideration of the Advisory action mailed on April 16, 2010 and allowance of the present reissue application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-3, 5-11, and 21-22 are pending. In the prior Office actions, the Examiner concluded that claims 1-3, 5-11 and 21 were allowable, and that a single, non-prior-art-related technicality resulted in the rejection of claim 22. The Examiner also mentioned certain other technical matters with respect to the specification, and those matters are dealt with below.

First, with respect to the technical matters discussed in paragraphs 1 and 2 of the Advisory action, applicant has included amendments to the specification and claims in the form required by the Examiner. 37 C.F.R. 3.73(b) and (b)(2).

Amendments to the Specification

In the above-identified amendments, applicant has added certain descriptive text to the specification. However, no new matter has been added. Applicant also contends that 37 C.F.R. § 1.173(b)(1) provides that applicant can make amendments to the specification other than the claims in the manner it has done above.

Amendments to the Claims

Support for previously filed and approved amendments to the claims are provided in the Support for Claim Changes section above. Applicant notes that its above-identified amendments to the claims are located in the appropriate amendment section, and not in the remarks section. Applicant notes this because the Examiner contended that applicant has been providing claim amendments in the remarks section of its responses. Applicant disagrees with this contention and does not think that any of its claims amendments of record in this long-time reissue prosecution have ever been provided in the remarks sections of its responses.

Oath/Declaration

Previously, the Examiner rejected claim 22 under 35 U.S.C. §112, second paragraph, because the Examiner noted that a typographical error existed in the first line of that claim. Specifically, the Examiner noted that the claim recites “body having art open front”. Referring to applicant’s previously filed amendment of November 3, 2009, applicant notes that the pertinent line of claim 22 recites “body having an open front”. In contrast to the statement at p. 4 of the Final Office action, applicant provided an amendment to that claim (and others), and did not only discuss claim 22 (and others) in the Remarks section of that Amendment, which Remarks section began on p. 12. Applicant’s claim amendments and recitations for the claims were on pp. 5-11. In addition, referring to the Amendment filed on Feb. 9, 2009, applicant noted that it also recited the first line of claim 22 in the amendment section of that Amendment with the pertinent and correct phrase “having an open front”.

Accordingly, the amended version of claim 22 that is of record does not include the typographical error referred to by the Examiner in the Final Office action. As a result, applicant believes it overcame the need for another amendment and, as a result, a supplemental Reissue Declaration under 35 U.S.C. § 251 and 37 CFR 1.175(b)(1).

In the Advisory action, the Examiner is making a new requirement for a supplemental Reissue Declaration for all amended claims. As best understood by applicant, the Examiner is requiring a supplemental Reissue Declaration because he now views the previously accepted one as being defective for reciting “examination” instead of “patentability”. Applicant would like to address this last point in a teleconference with the Examiner, and applicant will file a separate argument prior to that teleconference that will detail why applicant’s previously accepted supplemental Reissue Declaration complies with 37 CFR 1.63.

Conclusion

Applicant believes no other fees are now due. As applicant timely paid the third maintenance fee, all claims have the appropriate basis for reissue under 35 U.S.C. §251. Please charge any additional fees required, or credit any overpayments, to our deposit account number 11-1540.

Applicant submits that the present application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically via the EFS-Web system at www.uspto.gov on May 26, 2010.

/Mandi M. Leighty/

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